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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD ELY MORRISON,

Plaintiff,

v.

JIM BENEDETTI, *et al.*,

Defendants.

3:07-CV-248-BES-VPC

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#16) ("Recommendation") entered on August 27, 2008, in which the Magistrate Judge recommends that this Court enter an order granting defendants' Motion to Dismiss (#12) and the action be dismissed without prejudice. No objection to the Report and Recommendation has been filed.

I. DISCUSSION

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1) (2005). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation, then this Court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made."¹ *Id.* Nevertheless, the statute does not "require[] some lesser review by [this Court] when no objections are filed." *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not

¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

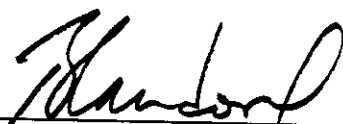
1 required to conduct "any review at all . . . of any issue that is not the subject of an objection."
2 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to
3 review a magistrate judge's report and recommendation where no objections have been filed.
4 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
5 of review employed by the district court when reviewing a report and recommendation to which
6 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.
7 Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting the view that
8 district courts are not required to review "any issue that is not the subject of an objection.").
9 Thus, if there is no objection to a magistrate judge's recommendation, then this Court may
10 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226
11 (accepting, without review, a magistrate judge's recommendation to which no objection was
12 filed).

13 In this case, Plaintiff has not filed an objection to the Magistrate Judge's Report and
14 Recommendation (#16). Although no objection was filed, this Court has reviewed the Report
15 and Recommendation, and accepts it. Accordingly,

16 IT IS ORDERED that defendants' Motion to Dismiss (#12) is GRANTED. This action
17 is dismissed without prejudice. The Clerk of the Court shall enter judgment

18 IT IS SO ORDERED.

19 DATED: This 29TH day of January, 2009..

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24 UNITED STATES DISTRICT JUDGE
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